

**ORIGINAL**

FILED  
RECEIVED  
U.S. DISTRICT COURT  
DISTRICT OF NEVADA

2007 MAR 20 P 12:09

U.S. DISTRICT COURT  
DISTRICT OF NEVADA

CLERK OF COURT  
DEPUTY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KEITH ARNOLD, )  
)  
Plaintiff, )  
)  
VS )  
)  
AMERICAN CASINO & )  
ENTERTAINMENT, )  
Subsidiary FRESCO LLC dba )  
ARIZONA CHARLIE'S )  
BOULDER, a Nevada Corporation )  
)  
Defendant )

CASE NO. 2:07-CV-249-LDG

**COMPLAINT ON STATE AND  
FEDERAL CIVIL RIGHTS VIOLATIONS**  
(NRS 613.330) and (42 Section 2000 e.)

COMES NOW, Keith Arnold, Plaintiff, and for his complaint alleges,  
states, and complains as follows:

**I. JURISDICTION**

Case was moved out of the jurisdiction of the State District Court, filed Nov.9,  
2006 and removed to the United States District Court on February 27, 2007,

ORIGINAL

1 but was proper in District Court as well as Federal because this case involved the  
2 state question of civil rights violation (NRS 613.330) which was a state jurisdiction as  
3 much as it was Federal.. It is not the case that state court is subordinate to federal courts,  
4 rather, they are more accurately analyzed as two sets of two parallel courts with  
5 concurrent and overlapping jurisdiction.  
6

7  
8  
9 **II. PARTIES & VENUE**

10 1. Plaintiff, Keith Arnold, is an individual competent adult residing within  
11 the state of Nevada and within the venue of this Court.

12 2. Defendant, American Casino & Entertainment, Fresco, LLC dba Arizona  
13 Charlie's Boulder, is a corporation whose principal place of business activities involving  
14 The issues of this case were within the State of Nevada, and within the venue of this  
15 Court at the time the allegations in this complaint took place.  
16

17 3. Plaintiff at this time, accepts the discretion of the Honorable Judge Lloyd D.  
18 George in relation to the venue.  
19

20 **III. RIGHT TO SUE**

21 Plaintiff has obtained a right to sue letter from the U.S. Equal Employment  
22 Opportunity Commission on August 24, 2006, and commencement of this suit was  
23 within the 90 day time limit thereof.

24 **IV. FIRST CAUSE OF ACTION:**

25 **RACIAL DISCRIMINATION AND HARASSMENT**

26 1. On or about the time between the dates of 09/20/05 and 10/27/05, Defendant  
27  
28

**ORIGINAL**

1 exhibited a racial derogatory remark and confrontational behaviors, and acts against  
2 Keith Arnold regarding his race being Afro-American, through its employees on several  
3 occasions (as detailed in the attached supporting facts). These occasions included  
4 times while Mr. Arnold was working. Mr. Arnold also experienced different terms and  
5 conditions. Mr. Arnold was subjected to threatening gestures and other types of  
6 confrontational behaviors designed to intimidate, cause fear, humiliation and mental  
7 anguish. It was also designed to elicit and provoke a response to cause his employment to  
8 be terminated and in fact said behaviors did cause those intended damages.  
9

10 2. Defendant had knowledge of verbal altercations and reported behaviors and took  
11 minimal action to stop the employees responsible for said harassment and discrimination  
12 and in fact, did not control its employees said behaviors, telling Plaintiff that it was  
13 because he was the "new kid on the block" (green horn explanation).  
14

15  
16 3. After Mr. Arnold reported the behaviors to management; in retaliation, the  
17 harassment not only continued, but also escalated into generalized defaming and other  
18 confrontational verbal behavior. (Contrary to the commitment standards of the  
19 defendants Employee Handbook against harassment and discrimination.)  
20

21 4. During the six weeks in one of the incidents involving Mr. Arnold and co-worker,  
22 Robert Benavente, Mr. Benavente not only challenged Mr. Arnold to a "gun fight", but  
23 also tried to get Mr. Arnold to commit a safety violation. He continued to intimidate  
24 which led to a verbal altercation and ultimately, caused Mr. Arnold's termination.

25 (Against the defendants employee hand book policy)  
26  
27  
28

**ORIGINAL**

1 5. Jennifer Roberts, Human Resource Specialist did not make a determination as  
2 to who started the confrontation or why the confrontation took place, nor did she establish  
3  
4 who was at fault for the misconduct in connection with the situation, but instead told  
5 both employees to go home for the day. Mr. Arnold complied with her instructions;  
6 however, Mr. Benavente was insubordinate by remaining on the premises, and sat writing  
7 at the supervisor's desk.  
8

9 6. Finally, Mr. Arnold was discriminately terminated from his employment as a  
10 direct result of Robert Benavente's initiating a confrontation in further violation of  
11 Mr. Arnold Civil Rights. The human resource specialist's decision to terminate was with  
12 reckless indifference to protected rights and the deliberateness and culpability of her  
13 action together with the employees' actions were flagrantly in violation.  
14  
15

16 **V. SECOND CAUSE OF ACTION:**

17 **TORT DAMAGES: ANGUISH AND STRESS**

18 1. The post impact of the termination caused severe mental and emotional anguish,  
19 as Mr. Arnold tried to seek a remedy and justice from the American Casino Entertainment  
20 Company, Fresco LLC, dba Arizona Charlie's Boulder for the Civil Rights Violations.  
21

22 2. Mr. Arnold has not slept well since the date of termination, struggled to pay his living  
23 expenses and debts for many months with his weekly unemployment benefit checks.  
24 Mr. Arnold can not afford the costs for a hernia operation and other medical problems.

25 3. Mr. Arnold is emotionally stressed and experienced frustration as a result of post  
26 termination activity related to this case. MR. Arnold's disposition and or attitude  
27 has been impacted , as a result of the unlawful injustice.  
28

ORIGINAL

**VI. THIRD CAUSE OF ACTION:**

**PUNATIVE DAMAGES: FLAGRANT DISREGARD OF PROTECTED RIGHTS**

1. To prevent future indifference and disregard to State and Federal Civil Rights Law.
2. To prevent future discriminatory terminations which were unequally applied;  
disciplinary action for a reported inappropriate conduct and behavior, which led to  
an unlawful termination.
3. To emphasize harassment and/or race segregation of a position by such means, is  
Illegal and will not be tolerated for any reason in the United States of America.

WHEREFORE, Mr. Arnold prays for judgment against Defendant as follows:

1. Discrimination and Harassment (Statutory Damages) in the amount of \$300,000.
2. Tort Damages (All related Anguish and Stress Impact) in the amount of \$300,000.
3. Punitive Damages ( For deliberate, malicious, intent, and disregard for  
State and Federal Civil Rights Laws ) in the amount of \$10,000,000.
4. Compensation for loss of employee medical benefits necessary for a hernia surgery  
and other medical problems by proof.



Signature

Keith Arnold (Representing Self)

Bar No. N/A

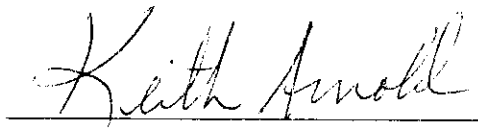
2120 Sun Avenue, Unit #E

Las Vegas, Nevada 89103

(702) 300-3506

ORIGINAL

I, Keith Arnold, Plaintiff, declare under penalty of perjury under the laws of the United States that the foregoing complaint is true and correct .

A handwritten signature in cursive script that reads "Keith Arnold". The signature is written in dark ink and is positioned above a horizontal line.

Keith Arnold

Date of Submission to State Court, October 24, 2006

Date of Current Submission to Federal Court, March 20, 2006